

HOUSE BILL No. 1143

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-19-6; IC 9-20; IC 9-21-21-1.

Synopsis: Farm vehicles. Specifies that a rule adopted by the bureau of motor vehicles (BMV) to identify a farm truck must include a truck that is used primarily to transport firewood from land used for agricultural purposes to another location in the conduct of a commercial enterprise. Specifies that a rule adopted by the BMV to determine whether an implement of agriculture was designed to be operated on a highway: (1) may not exclude an implement of agriculture solely because it is used to simultaneously transport water and fertilizer; and (2) must comply with rules and regulations of the state chemist concerning the transport of fertilizers. Exempts, except for interstate highway travel, a farm truck transporting firewood from statutory height and width requirements. Exempts a vehicle that transports firewood from statutory gross weight and axle weight limits if the vehicle does not exceed the statutory limits by more than 10%. Changes references from "implement of husbandry" to "implement of agriculture".

Effective: July 1, 2008.

Cherry, Tincher

January 8, 2008, read first time and referred to Committee on Roads and Transportation.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1143

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-39.7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]: **Sec. 39.7 "Crop inputs" includes seed, fertilizers**
4 **(including water used to activate the fertilizers), and crop**
5 **protection products.**

6 SECTION 2. IC 9-13-2-58 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 58. (a) "Farm truck",
8 "farm trailer", or "farm semitrailer and tractor" shall be identified in
9 accordance with a rule adopted by the bureau.

10 (b) **A rule adopted by the bureau under subsection (a) that**
11 **identifies a farm truck must provide that a farm truck includes a**
12 **truck that is used primarily to transport firewood from land used**
13 **for agricultural purposes to another location in the conduct of a**
14 **commercial enterprise.**

15 SECTION 3. IC 9-13-2-59 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 59. "Farm vehicle
17 loaded with a farm product" includes a truck ~~hauling~~ **transporting**:

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(1) firewood; or

(2) unprocessed leaf tobacco.

SECTION 4. IC 9-13-2-60, AS AMENDED BY P.L.210-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 60. "Farm wagon" means a wagon, other than an implement of agriculture, used primarily for transporting farm products and farm supplies, **including crop inputs**, in connection with a farming operation.

SECTION 5. IC 9-13-2-77, AS AMENDED BY P.L.210-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 77. (a) "Implement of agriculture" means agricultural implements, pull type and self-propelled, used for the:

(1) transport;

(2) delivery; or

(3) application;

of crop inputs ~~including seed, fertilizers, and crop protection products~~, and vehicles designed to transport these types of agricultural implements.

(b) The bureau shall determine by rule under IC 4-22-2 whether a category of implement of agriculture was designed to be operated primarily:

(1) in a farm field or on farm premises; or

(2) on a highway.

(c) A rule adopted by the bureau under subsection (b) that determines whether an implement of agriculture was designed to be operated primarily on a highway may not exclude an implement of agriculture from operating on a highway solely because the implement of agriculture is used to simultaneously transport fertilizers and the water used to activate the fertilizers. However, a rule described in this subsection must comply with any rules or regulations adopted by the state chemist concerning the transportation of fertilizers.

SECTION 6. IC 9-19-6-11, AS AMENDED BY P.L.1-2006, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) This section does not apply to:

(1) an implement of ~~husbandry~~, **agriculture**; or

(2) a farm tractor;

manufactured after June 30, 2006.

(b) A farm tractor and a self-propelled farm equipment unit or an implement of agriculture designed to be operated primarily in a farm field or on farm premises, if operated on a highway and not equipped

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with an electric lighting system, must at all times required by IC 9-21-7-2 be equipped with the following:

(1) At least one (1) lamp displaying a white light visible from a distance of not less than five hundred (500) feet to the front of the vehicle.

(2) At least one (1) lamp displaying a red light visible from a distance of not less than five hundred (500) feet to the rear of the vehicle.

(3) Two (2) red reflectors visible from a distance of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the upper beams of head lamps.

The lights required by this subsection must be positioned so that one (1) lamp showing to the front and one (1) lamp or reflector showing to the rear will indicate the furthest projection of the tractor, unit, or implement on the side of the road used in passing the vehicle.

(c) A combination of farm tractor and towed unit of farm equipment or implement of agriculture designed to be operated primarily in a farm field or on farm premises, if operated on a highway and not equipped with an electric lighting system, must at all times required by IC 9-21-7-2 be equipped with two (2) red reflectors that meet the following requirements:

(1) Are visible from a distance of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the upper beams of head lamps.

(2) Are mounted in a manner so as to indicate as nearly as practicable the extreme left and right rear projections of the towed unit or implement on the highway.

(d) A farm tractor and a self-propelled unit of farm equipment or an implement of agriculture designed to be operated primarily in a farm field or on farm premises, if operated on a highway and equipped with an electric lighting system, must at all times required by IC 9-21-7-2 be equipped with the following:

(1) Two (2) single-beam or multiple-beam head lamps meeting the requirements of section 20 or 21 of this chapter or IC 9-21-7-9.

(2) Two (2) red lamps visible from a distance of not less than five hundred (500) feet to the rear, or in the alternative one (1) red lamp visible from a distance of not less than five hundred (500) feet to the rear and two (2) red reflectors visible from a distance of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the upper beams of head lamps.

The red lamps or reflectors must be mounted in the rear of the farm

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tractor or self-propelled implement of agriculture so as to indicate as nearly as practicable the extreme left and right projections of the vehicle on the highways.

(e) A combination of farm tractor and towed farm equipment or towed implement of agriculture designed to be operated primarily in a farm field or on farm premises, if operated on a highway and equipped with an electric lighting system, must at all times required by IC 9-21-7-2 be equipped as follows:

(1) The farm tractor element of each combination must be equipped with two (2) single-beam or multiple-beam head lamps meeting the requirements of section 20 or 21 of this chapter or IC 9-21-7-9.

(2) The towed unit of farm equipment or implement of agriculture element of each combination must be equipped with the following:

(A) Two (2) red lamps visible from a distance of not less than five hundred (500) feet to the rear, or as an alternative one (1) red lamp visible from a distance of not less than five hundred (500) feet to the rear.

(B) Two (2) red reflectors visible from a distance of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the upper beams of head lamps.

The red lamps or reflectors must be located so as to indicate as nearly as practicable the extreme left and right rear projections of the towed unit or implement on the highway.

(3) A combination of farm tractor and towed farm equipment or towed implement of agriculture equipped with an electric lighting system must be equipped with the following:

(A) A lamp displaying a white or an amber light, or any shade of color between white and amber visible from a distance of not less than five hundred (500) feet to the front.

(B) A lamp displaying a red light visible from a distance of not less than five hundred (500) feet to the rear.

The lamps must be installed or capable of being positioned so as to indicate to the front and rear the furthest projection of that combination on the side of the road used by other vehicles in passing that combination.

(f) A farm tractor, a self-propelled farm equipment unit, or an implement of agriculture must not display blinding field or flood lights when operated on a highway.

(g) All rear lighting requirements may be satisfied by having a vehicle with flashing lights immediately trail farm equipment in

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1 accordance with IC 9-21-7-11.

2 SECTION 7. IC 9-19-6-11.3, AS ADDED BY P.L.148-2005,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2008]: Sec. 11.3. (a) This section applies to the following
5 items manufactured after June 30, 2006, when operated on a highway:

6 (1) An implement of ~~husbandry~~ **agriculture**.

7 (2) A farm tractor.

8 (b) An implement of ~~husbandry~~ **agriculture** or a farm tractor listed
9 in subsection (a) must be equipped with:

10 (1) head lamps;

11 (2) tail lamps;

12 (3) work lamps;

13 (4) warning lamps;

14 (5) extremity lamps;

15 (6) turn indicators;

16 (7) rear reflectors;

17 (8) front and rear conspicuity material; and

18 (9) front, rear, and side retroreflective material;

19 that comply with the standards contained in the American Society of
20 Agricultural Engineers (ASAE) Standard S279.11 DEC01 or any
21 subsequent standards developed by ASAE at the time the vehicle was
22 manufactured.

23 SECTION 8. IC 9-19-6-12, AS AMENDED BY P.L.148-2005,
24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2008]: Sec. 12. (a) This section does not apply to:

26 (1) an implement of ~~husbandry~~ **agriculture**; or

27 (2) a farm tractor;

28 manufactured after June 30, 2006.

29 (b) A vehicle, including an animal-drawn vehicle and a vehicle
30 referred to in IC 9-19-1-1 not specifically required by this article to be
31 equipped with lamps or other lighting devices, must at all times
32 required by IC 9-21-7-2 be equipped with at least two (2) red reflectors
33 visible from distances of one hundred (100) feet to six hundred (600)
34 feet to the rear when illuminated by the upper beams of head lamps.

35 SECTION 9. IC 9-20-2-2, AS AMENDED BY P.L.25-2007,
36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2008]: Sec. 2. (a) As used in this section, "farm vehicle loaded
38 with a farm product" includes a truck ~~hauling~~ **transporting**:

39 (1) **firewood**; or

40 (2) unprocessed leaf tobacco.

41 (b) Except for interstate highway travel, this article does not apply
42 to the following:

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(1) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities.

(2) Implements of agriculture when used during farming operations or when constructed so that the implements can be moved without material damage to the highways.

(3) Farm drainage machinery.

(c) This article does not apply to firefighting apparatus owned or operated by a political subdivision or volunteer fire department (as defined in IC 36-8-12-2).

(d) Except for interstate highway travel, this article does not limit the width or height of a farm vehicle loaded with a farm product.

SECTION 10. IC 9-20-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) Section 1 of this chapter relating to vehicle weight, IC 9-30 assessing a penalty for transporting a load in excess of the registered limit of the load for the transporting vehicle, and IC 9-30 prohibiting a person from moving a transported vehicle with an excess load until a penalty is paid do not apply to a vehicle or combination of vehicles that transports farm commodities from the place of production to the first point of delivery where the commodities are weighed and title to the commodities is transferred if the weight of the vehicle with load or combination of vehicles with load does not exceed the gross weight limit by more than ten percent (10%).

(b) The exemption in subsection (a) does not apply to the following:

(1) Weight limits imposed for bridges or sections of highways under IC 9-20-1-4.

(2) A vehicle operated on any part of an interstate highway.

(c) For purposes of this section, "farm commodities" includes logs, **firewood**, wood chips, bark, sawdust, and bulk milk. The exemptions that apply to vehicles that transport farm commodities under subsection (a) apply to the transportation of **firewood**, wood chips, bark, and sawdust at all times if the weight of the vehicle with load does not exceed either the gross weight limit or the axle weight limit by more than ten percent (10%).

SECTION 11. IC 9-21-21-1, AS ADDED BY P.L.210-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) A motor vehicle, trailer, or semitrailer and tractor may be operated primarily as a farm truck, farm trailer, or farm semitrailer and tractor if the vehicle meets the specifications set forth in IC 9-29-5-13(b).

(b) A truck may be operated primarily as a farm truck if the

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1 truck is used primarily to transport firewood from land used for
2 agricultural purposes to another location in the conduct of a
3 commercial enterprise. A farm truck operated under this
4 subsection is subject to IC 9-29-5-13.5.

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